

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-007912-001 DT

07/29/2016

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT
A. Gonzalez
Deputy

STATE OF ARIZONA

KIRSTEN VALENZUELA

v.

DARNELL REUNA JACKSON (001)

R J PARKER
PETER C ROSALES
DENISE FRANCES DEES

CAPITAL CASE MANAGER

CAPITAL CASE MANAGEMENT CONFERENCE

COURTROOM – SCT 8A

11:08 a.m. This is the time set for Capital Case Management Conference.

State's Attorney:	Kirsten Valenzuela
Defendant's Attorneys:	R.J. Parker, Peter C. Rosales, Denise Frances Dees
Defendant:	Present
Court Reporter:	Jeanne Kappedal

The proceedings are also digitally recorded.

LET THE RECORD REFLECT the State's Co-Case Agents, Det. Jan Butcher and Det. Karl Martin, as well as victims and next of kin are present.

LET THE RECORD FURTHER REFLECT proceedings are held concurrently in Codefendants' cases State v. Darnell Jackson (001)-Capital Case; Jerry Cockhearn, Jr. (003); Corey Royalty (007) and Anthony Wright (008). Codefendants are present and represented by counsel.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-007912-001 DT

07/29/2016

Attorney David Kephart appears telephonically from his car, driving through Kansas.¹

Attorney Denise Dees has joined Defendant Jackson's capital defense team.

DARNELL JACKSON, Defendant 001. The Court has received the State's Case Management Report, filed 7/28/2016, and Defendant Jackson's Case Status Report, filed 7/29/2016.

THE TRIAL DATE. Mr. Parker advises that although much has been accomplished since the last CCMC, he does not believe the current trial date is feasible, but posits that a feasible trial date is within 45 days of the current date of 10/31/2016. The State has 2 concerns regarding the Trial date; first, depending on the Defendant's anticipated expert mitigation report, which is anticipated to be disclosed in 2 to 3 weeks, the State may retain a rebuttal expert; and second: Ms. Valenzuela has another capital case, *State v. Buckman*, before the HON. ROSA MROZ, set to begin in October 2016. Ms. Valenzuela anticipates that Judge Myers would determine which Trial would proceed first based on any motion to continue Trial that may be filed by Mr. Parker.

PRETRIAL MOTIONS. Mr. Parker anticipates filing multiple and various motions within the next 3 weeks or so. Mr. Parker does not identify the nature of any such Motions at this time. In order to preserve time on the Court's calendar, by agreement of Counsel for the State and Mr. Jackson,

IT IS ORDERED setting Oral Argument/Evidentiary on both the anticipated Motions, and as to the currently filed Defense Motions: (1) Motion to Suppress, (2) Request for *Dessureault* Hearing, and (3) Motion *in Limine* re: Gang Affiliation, on OCTOBER 7, 2016 at 1:30 p.m. until 4:30 p.m. (3 hours) before the HON. MARGARET R. MAHONEY. The Court notes an FTMC is currently scheduled for OCTOBER 14, 2016 at 9:00 a.m. for 3 hours that will be used to address pending motions as well.

IT IS FURTHER ORDERED that Mr. Parker file the motions to be heard on either 10/7/2016 and/or 10/14/2016, and/or the date yet to be arranged, by **AUGUST 19, 2016**. The State will Respond in accordance with the Ariz.R.Crim.Proc. Depending on the number and substance of the Defense Motions, the State may seek an extension of time for Responses. The Court suggests September 14, 2016 for the State's Responses.

¹ There is a short period during the proceeding (about 2 to 3 minutes) when Mr. Kephart loses his connection and calls back in and is reconnected. At the end of the proceeding, at about 11:45 a.m., Mr. Kephart's connection is lost and he does not call back in.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-007912-001 DT

07/29/2016

LET THE RECORD REFLECT the Court will consult with Division Staff and determine an additional date to address pretrial motions as to Defendant Jackson only. The Court will take into account Counsel's schedules as well. (See LATER to this minute entry.)

RESOLUTION. As to all Defendants, the State is willing to consider all reasonable offers by all defendants. The Court is willing to help the parties set up Settlement Conferences, but as this Court will preside at Trial, this Court will not conduct Settlement Conferences in this matter.

ADDITIONAL STATUS CONFERENCE. Mr. Parker requests an interim Status Conference around the end of August, beginning of September. Again, the Court will consult with Division Staff and review the Court's calendar, taking into account Counsel's schedules via Email. (See LATER to this minute entry.)

JERRY COCKHEARN, Defendant 003. The Court has received Defendant Cockhearn's Complex Case Management Report, filed 7/27/2016, and the State's Case Management Report, filed 7/29/2016.

Mr. Teel advises that his paralegal continues to index the discovery; that he has logged about 20,000 pages of Bates stamped items.

RESOLUTION. Mr. Teel does not feel that he is ready for a Resolution Management Conference at this time due to needing more time to review all of the discovery.

COREY ROYALTY, Defendant 007. The Court has received Defendant Royalty's Case Status Report, filed 7/27/2016; and the State's Case Management Report, filed 7/29/2016. Mr. Kephart advises that his Office employs one person who reviews Codefendant Gittens' jail calls for about 4.5 hours per day, and has reviewed only about half of the calls.

ANTHONY WRIGHT, Defendant 008. The Court has received Defendant Wright's Case Status Report, filed 7/28/2016; and the State's Case Management Report, filed 7/29/2016.

Mr. Cooke concurs with Mr. Kephart's statement regarding the review of the voluminous jail calls.

Mr. Wright filed, on 7/14/2016, a *pro per* Motion to Change Counsel, seeking to have Mr. Raynak only as his attorney, to which the State filed a Response on 7/25/2016. After discussion, at the request of Defense Counsel, this Court will forward Mr. Wright's *pro per* Motion to Change Counsel, and the State's Response, to the Criminal

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-007912-001 DT

07/29/2016

Department Presiding Judge for determination since this Court is the Trial Court. This Court will convey to Judge Myers that Ms. Valenzuela objects to an exclusively *ex parte* proceeding regarding Defendant Wright's Motion to Change Counsel.

LET THE RECORD REFLECT the Court previously directed Defense Counsel to meet with Mr. Wright and discuss his basis for the Motion to Change Counsel and Defense Counsel confirm that they have so conferred with Mr. Wright and the issues were not resolved.

IT IS ORDERED setting a Capital/Complex Case Management Conference for *FRIDAY, SEPTEMBER 16, 2016, at 3:00 p.m. for 1 hour* before the HON. MARGARET R. MAHONEY. No less than 2 business days before the Case Management Conference, the parties shall file (this is not optional) a JOINT CASE MANAGEMENT REPORT, which shall inform the Court of at least the following items.

1. Specific progress made since the last Case Management Conference in completing activities previously established by the court and the parties;
2. Specific case preparation to be completed before the next Case Management Conference;
3. Witnesses who have been interviewed in the preceding month;
4. Witnesses who will be interviewed in the upcoming month;
5. Pending issues to be resolved.

PLEASE BE ADVISED: All Friday settings in this Division are time certain as this Division does not have a regular morning calendar on Fridays.

LET THE RECORD REFLECT this case consists of 4 remaining Codefendants whose cases have been arranged as follows for trial management purposes: (GROUP I – Singleton (004) and Webber (005) Settled/Sentencing set); GROUP II – Defendant Jackson (001); and GROUP III - Defendants Cockhearn (003), Royalty (007), and Wright (008). The future dates are set and affirmed as follows for each group.

AS TO GROUP II – Defendant Jackson (001) – CAPITAL CASE: IT IS ORDERED affirming the Final Trial Management Conference date of *FRIDAY, OCTOBER 14, 2016 at 9:00 a.m. for 3 hours* before the HON. MARGARET R. MAHONEY.

IT IS FURTHER ORDERED affirming the TRIAL date of OCTOBER 31, 2016 at 10:30 a.m. before the HON. MARGARET R. MAHONEY. Estimated Length of Trial: 3 months.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-007912-001 DT

07/29/2016

AS TO GROUP III – Defendants Cockhearn (003), Royalty (007), and Wright (008): IT IS ORDERED affirming that TRIAL will follow completion of Defendant Jackson’s trial, before the HON. MARGARET R. MAHONEY.

IT IS FURTHER ORDERED affirming prior custody orders.

LAST DAY REMAINS: 3/31/2017

11:57 a.m. Matter concludes.

LATER.

IT IS ORDERED setting the interim Status Conference for Defendant Jackson, pursuant to Mr. Parker’s request, and after consulting with Counsel regarding scheduling, for AUGUST 26, 2016 at 2:45 p.m. for 45 minutes in this Division – for Defendant Jackson only.

LET THE RECORD REFLECT the Court will address setting any additional proceedings to address pretrial motions in the Jackson matter on 8/26/2016.